



*Eastern Shoshone Business Council
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June 24, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C., 20554
Via: ECFS

Dear Ms. Dortch,

RE: WT Docket No. 15-180 WTB Seeks Comment on Revising the Historic Preservation Review Process for Small Facility Deployments

In response to Docket 15-180, the Eastern Shoshone Tribe has reviewed and considered the implications of and underlying causes for the specific amendments proposed to the current Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement). The Eastern Shoshone Tribe opposes any change to the existing Nationwide Programmatic Agreement for the Collocation of Wireless Antennas as described in the Section 106 Scoping Document.

The Eastern Shoshone Tribe, like many federally-recognized tribes, has a documented history of traditional use and occupation across a large area of land, which today falls within multiple states. The Eastern Shoshone have a long and storied history throughout North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Idaho, Washington, Oregon, California, Utah, Nevada, Arizona, New Mexico, and Texas. That history includes major sacred events, encampments, the gathering of medicinal plants and other significant activities that indicated our footprint throughout this entire region. The Eastern Shoshone Tribe, now living on the Wind River Reservation in Wyoming, has been living, some say, in the Wind River mountain range and its environs for some 12,000 years.

In order to address the historic preservation needs of the reservation community on both on- and off-reservation federal trust lands in addition to ancestral homelands across the federally recognized historical range of the tribe, the Eastern Shoshone Tribe has contracted with the Chippewa Cree Cultural Resource Preservation Department. This department houses the Tribal Historic Preservation Office (THPO) in addition to an Archaeology Department and Section 106 Compliance review staff. The Chippewa Cree CRPD has established a strong reputation within the national THPO community and amongst federal agencies as an effective and innovative program. Not only does the CRPD meet the high-level of demand placed on THPO and tribal cultural resource programs to engage in federal consultation, but has exceeded expectations

and risen to the standard of many industry partners by developing and utilizing an online consultation management database.

Through the Tribal 106 processing services website, the CRPD has responded to over 3,456 projects online since 2015. Of these, 3,433 originated through the Tower Construction Notification System (TCNS) established to ensure telecommunications projects overseen by the FCC complied with Section 106 of the National Historic Preservation Act. The use of this service has allowed the Eastern Shoshone to respond to consultation requests in a timely manner, facilitating the expedient deployment of new telecommunications systems. Within this process, the CRPD also provides transparency and accountability for Eastern Shoshone tribal monitoring work by creating deliverables for industry representatives. This work is directly related to the vision of the CRPD to identify, preserve, protect, and interpret cultural historic resources that are integral to the existence of the Tribe in order to pass this knowledge to future generations.

The Eastern Shoshone Tribe is in agreement with the Chippewa Cree Tribe on the opposition of any potential changes to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas. The potential changes to the process would harm the work of the Eastern Shoshone Tribe CRPD to identify cultural resources that are significant to the Tribe.

The proposed amendments to the Collocation Agreement would have an adverse impact on the work of the Eastern Shoshone Tribe. The existing requirements of the Collocation Agreement assume that existing structures were built without adverse effects to historic properties in the first place, which cannot be guaranteed in the case of any structure built prior to the creation of Section 106 and enforcement through the FCC's NPA. This is the same issue that surrounds the current stalemate over the "Twilight Towers" issue, which is currently under discussion between industry representatives, Tribes, and the FCC.

The Eastern Shoshone Tribe does not agree with the amendments proposed in the July 28, 2015 Section 106 Scoping document. The Tribe respectfully requests that meaningful consultation take place before any action is taken in response to the Section 106 Scoping document. The FCC has demonstrated during its interactions with the Eastern Shoshone Tribe its respect for and commitment to uphold the principles of tribal sovereignty, self-determination, and self-government, as mandated by the November 6, 2000 Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). The Eastern Shoshone Tribe looks forward to future interactions with the FCC under the successful model of government-to-government relationships, and therefore asks for careful consideration of the effects any amendment of the existing Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

Sincerely,



Darwin St. Clair, Jr., Chairman
Eastern Shoshone Tribe